SUBJECT INDEX

(a) after a reference indicates an article; (b) book notice; (c) correspondence; (e) essay; (n) note; (r) book review.

ADMINISTRATION OF JUSTICE

See Damages.

AGENCY

See Business, Securities Law.

ANTHROPOLOGY

See Criminal Law, Sociology.

ANTITRUST

Antitrust Beyond Competition: Market Failures, Total Welfare, and the Challenge of Intramarket Second-Best Tradeoffs— Peter J. Hammer (a) 849-925

BANKRUPTCY

See also Federal Sentencing Guidelines.

Case for Cooperative Territoriality in International Bankruptcy, The — Lynn M. LoPucki (a) 2216-51

International Bankruptcy: In Defense of Universalism — Andrew T. Guzman (a) 2177-215

Resolving Transnational Insolvencies
Through Private Ordering — Robert K.
Rasmussen (a) 2252-75

BIAS CRIMES

Importance of Being Biased, The — Anthony M. Dillof (r) 1678-703

BIOGRAPHY

Cardozo the [Small r] realist — Richard D. Friedman (r) 1738-65

BUSINESS

See also Contracts, Corporations: Officers and Directors, Securities Law.

Reaffirming Relationship-Specific Investments: Comments on Miwa and Ramseyer's 'Rethinking Relationship-Specific Investments' — Scott E. Masten (c) 2668-77

Rethinking Relationship-Specific Investments: Subcontracting in the Japanese Automobile Industry — Yoshiro Miwa & J. Mark Ranseyer (a) 2636-67

CHILDREN

See Juvenile Justice.

CITIZENSHIP

See Equal Protection, Federalism, Women.

COMMERCIAL LAW

Informality as a Bilateral Assurance Mechanism: Comments on Ronald Mann's 'The Role of Letters of Credit in Payment Transactions' — Avery Wiener Katz (c) 2554-73

Letters of Credit as Signals: Comments on Ronald Mann's 'The Role of Letters of Credit in Payment Transactions' — Clayton P. Gillette (c) 2537-47

Reconciling the Old Theory and the New Evidence: Comments on Ronald Mann's 'The Role of Letters of Credit in Payment Transactions' — Jacob I. Corré (c)2548-53 Role of Letters of Credit in Payment Transactions. The — Ronald I. Mann actions. The — Ronald I. Mann

actions, The — Ronald J. Mann
(a) 2494-536

CONFESSIONS

Miranda's Fall? — Kenji Yoshino (r) 1399-415

CONSTITUTIONALISM

See Homosexuality and Lesbianism.

CONSTITUTIONAL LAW

See Equal Protection, Federalism, Legal History.

CONTRACT LAW

Commercial Norms and the Fine Art of the Small Con: Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action' — Douglas G. Baird (c) 2716-26 Exploring the Battle of the Forms in Action

Exploring the Battle of the Forms in Action

— Daniel Keating (a) 2678-715

Lawyers, Law, and Contract Formation:

Lawyers, Law, and Contract Formation: Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action' — Robert K. Rasmussen (c) 2748-59

Limits of Empiricism: What Facts Tell Us: Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action,' The— Dennis Patterson (c) 2738-47

On the Use of Practitioner Surveys in Commercial Law Research: Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action' — Avery Wiener Katz (c) 2760-72

Sound of One Form Battling: Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action,' The — Richard Craswell (c) 2727-37

CONTRACTS

See also Biography, Commercial Law, Reliance, Securities Law.

Enforcing Contracts in Dysfunctional Legal Systems: The Close Relationship Between Public and Private Orders: A Reply to McMillan and Woodruff — Ariel Porat (c) 2459-80

Private Order and Public Institutions: Comments on McMillan and Woodruff's 'Private Order Under Dysfunctional Public Order' — Ellen D. Katz (c) 2481-93

Private Order Under Dysfunctional Public Order — John McMillan & Christopher Woodruff (a) 2421-58

COPYRIGHT

Copyright Misuse and Modified Copyleft: New Solutions to the Challenges of Internet Standardization — Chip Patterson (n) 1351-83

CORPORATIONS

See Business, Corporations: Officers and Directors.

CORPORATIONS: OFFICERS AND DIRECTORS

Efficient Norm for Corporate Law: A Neotraditional Interpretation of Fiduciary Duty, The — Thomas A. Smith (a)214-68

COURTS

See Due Process, Legal Narrative, Supreme Court.

CRIMINAL LAW

"Ready? Induce. Sting!": Arguing for the Government's Burden of Proving Readiness in Entrapment Cases — David D. Tawil (n) 2371-94

Universal Grammar of Criminal Law, The
- Stuart P. Green (r) 2104-25

CRIMINAL PROCEDURE See Confessions, Juvenile Justice, Race Dis-

crimination.

CRITICAL LEGAL STUDIES

See International Law.

CULTURE

See Intellectual Property.

DAMAGES

Decisionmaking About General Damages: A Comparison of Jurors, Judges, and Lawyers — Roselle L. Wissler, Allen J. Hart & Michael J. Saks (a) 751-826

DEBTOR AND CREDITOR

See also Contracts.

Global Solution to Multinational Default, A

— Jay Lawrence Westbrook (a) 2276-328

DELEGATION OF POWERS

Is the Clean Air Act Unconstitutional? — Cass R. Sunstein (a) 303-94

DEMOCRACY

See also Due Process, International Organizations.

Exit and Voice in the Age of Globalization

— Eyal Benvenisti (a) 167-213

DISABILITY DISCRIMINATION

See Prisons and Prisoners.

DOMESTIC RELATIONS

See Husband and Wife.

DUE PROCESS

Foreword: The Question of Process — J. Harvie Wilkinson III 1387-98

ECONOMICS AND THE LAW

See Antitrust, Legal Profession.

EDUCATION

Influence of Race in School Finance Reform, The — James E. Ryan (a) 432-81

ENVIRONMENTAL PROTECTION

See also Delegation of Powers.

Clear Consensus, Ambiguous Commitment
— Christopher H. Schroeder (r) 1876-915

EQUAL PROTECTION

See also Federalism, Military Law, Race Discrimination, Women.

Caste, Class, and Equal Citizenship — William E. Forbath (a) 1-91

ETHICS

See Sociology.

FAMILY LAW

See Husband and Wife.

FEDERAL AND STATE COOPERATION

See Jurisdiction.

FEDERALISM

See also Bias Crimes, Judicial Review, Jurisdiction.

Citizen Suits Under the Resource Conservation and Recovery Act: Plotting Abstention on a Map of Federalism — Charlotte Gibson (n) 269-99 Staking Out the Border Between Commandeering and Conditional Preemption: Is the Driver's Privacy Protection Act Con-

the Driver's Privacy Protection Act Constitutional Under the Tenth Amendment?

— Rachel F. Preiser (n) 514-44

FEDERAL RULES OF CIVIL PROCEDURE

See Pleading and Procedure.

FEDERAL SENTENCING GUIDELINES

Judicial Abuse of "Process": Examining the Applicability of Section 2F1.1(b)(4)(B) of the Federal Sentencing Guidelines to Bankruptcy Fraud — Hideaki Sano (n) 1038-71

Sentencing Equality for Deportable Aliens:
Departures from the Sentencing Guidelines on the Basis of Alienage — Jason
Bent (n) 1320-50

FEMINIST JURISPRUDENCE

Ending Male Privilege: Beyond the Reasonable Woman — Stephanie M. Wildman (r) 1797-821

FIRST AMENDMENT PROTECTION See Bias Crimes.

FOREIGN LAW

See Bankruptcy, Business, Criminal Law, Debtor and Creditor.

FREEDOM OF SPEECH

Dissent, Free Speech, and the Continuing Search for the "Central Meaning" of the First Amendment — Ronald J. Krotoszynski, Jr. (r) 1613-77 Life on Campus Really Ain't So Bad — Avern Cohn (r) 1549-63 Zoning Speech on the Internet: A Legal and

Technical Model — Lawrence Lessig & Paul Resnick (a) 395-431

HAZARDOUS SUBSTANCES

See International Organizations.

HOMOSEXUALITY AND LESBIANISM

See also Military Law.
History Unbecoming, Becoming History —
Toni M. Massaro (r) 1564-89

HUSBAND AND WIFE

See also Feminist Jurisprudence. Looking at Marriage — Naomi Cahn (r) 1766-96

IMMIGRATION AND EMIGRATION

See Federal Sentencing Guidelines.

INTELLECTUAL PROPERTY

Promise and Perils of Strategic Publication to Create Prior Art: A Response to Professor Parchomovsky, The — Rebecca S. Eisenberg (c) 2358-70

INTERNATIONAL LAW

See also Bankruptcy, Democracy.
Governmental Illegitimacy and Neocolonialism: Response to Review by James Thuo Gathii — Brad R. Roth (c) 2056-65
Neoliberalism, Colonialism and International Governance: Decentering the International Law of Governmental Legitimacy — James Thuo Gathii (r) 1996-2055
Rejoinder: Twailing International Law — James Thuo Gathii (c) 2066-71

INTERNATIONAL ORGANIZATIONS

See also Democracy.

Democracy, Science, and Free Trade: Risk Regulation on Trial at the World Trade Organization — Robert Howse (a)2329-57

JUDGES

See Damages, Supreme Court.

JUDICIAL REVIEW

See also Delegation of Powers, Prisons and Prisoners.

Judicial Review & the Policy of Federal Abstention: A Juvenile's Right to Ensure the Existence of a "Substantial Federal Interest" — Matthew Drexler (n) 1007-37
Losing Faith: America Without Judicial Review? — Erwin Chemerinsky (r) 1416-35

JURIES

See Damages.

JURISDICTION

State Immunity Waivers for Suits by the United States — Evan H. Caminker (a) 92-137

JURISPRUDENCE

See also Biography.

Distributive Foundation of Corrective Justice, The — Hanoch Dagan (a) 138-66

JUVENILE JUSTICE

Rationalizing Juvenile Justice — Carolyn J. Frantz (b) 1974-95

LAW AND ECONOMICS

See Business, Husband and Wife.

LAW AND LANGUAGE

See Legal Narrative.

LAW AND LITERATURE

See also Confessions.

Phoebe's Lament — James J. White
(e) 2773-79

LAW AND SOCIETY

See also *Due Process*.

Zen and the Art of Jurisprudence — *Matthew K. Roskoski* (b) 1529-48

LAW AND TECHNOLOGY

See also Copyright, Freedom of Speech.

Climbing the Walls of Your Electronic Cage

— Steven Hetcher (r) 1916-40

LAW AND THE ARTS

See also Intellectual Property.
Who "Owns" a Cultural Treasure? — Jason
Y. Hall (r) 1863-75

LEGAL HISTORY

See also Homosexuality and Lesbianism.

Treaty-Making and the Nation: The Historical Foundations of the Nationalist Conception of the Treaty Power — David M. Golove (a) 1075-319

Upbeat View of English Justice in the Fourteenth Century, An — Charles Donahue,

LEGAL NARRATIVE

Perils of Courtroom Stories, The — Stephan Landsman (r) 2154-76

LEGAL PROFESSION

See also Due Process, Law and Society.

Price of Law: How the Market for Lawyers
Distorts the Justice System, The — Gillian
K. Hadfield (a) 953-1006

LEGAL SCHOLARSHIP

Postmodern Infiltration of Legal Scholarship, The — Arthur Austin (r) 1504-28 Publish or Perish — Gideon Parchomovsky (a) 926-52

LEGAL THEORY

See Jurisprudence.

LIBERALISM

See International Law.

LOCAL GOVERNMENT

Building Community in the Twenty-First Century: A Post-Integrationist Vision for the American Metropolis — Sheryll D. Cashin (r) 1704-24

MILITARY LAW

Word Games, War Games — Diane H.

Mazur (r) 1590-612

PLEADING AND PROCEDURE

Pleading Under Section 11 of the Securities Act of 1933 — Krista L. Turnquist (n) 2395-417

POVERTY

See Social Welfare.

PRISONS AND PRISONERS

Winning the Battle, Losing the War?: Judicial Scrutiny of Prisoners' Statutory Claims Under the Americans with Disabilities Act — Christopher J. Burke (n) 482-513

PROPERTY

See also Law and the Arts.
Casting Light on Cultural Property — John
J. Costonis (r) 1837-62

PUBLIC MONUMENTS

See Property.

1725-37

RACE DISCRIMINATION

See also Education.

Healing the Blind Goddess: Race and Criminal Justice — Mark D. Rosenbaum & Daniel P. Tokaji (1) 1941-73

RELIANCE

Law and Regret — Eric A. Posner (r) 1468-81

REMEDIES

See Federalism, Reliance.

REPRESENTATION

See Democracy.

REPRESENTATIVE GOVERNMENT

See Local Government.

RESTITUTION

See Reliance.

SCHOOL INTEGRATION

SCHOOL INTEGRATIO

See Education.

SCHOOLS AND SCHOOL DISTRICTS

See Education.

SCIENCE

See International Organizations.

SEARCH AND SEIZURE

Recovering the Original Fourth Amendment — Thomas Y. Davies (a) 547-750

SECURITIES LAW

Empirical Insight and Some Thoughts on Future(s) Investigation: Comments on Mark West's 'Private Ordering at the World's First Futures Exchange' — A.W. Brian Simpson(c) 2616-19

Private Ordering at the World's First Futures Exchange — Mark D. West

(a) 2616-19

Private Ordering at the World's First Futures Exchange — Mark D. West

2574-615

Public Choice Approach to Private Ordering: Rent-Seeking at the World's First Futures Exchange: Comments on Mark West's 'Private Ordering at the World's First Futures Exchange,' A — Omri Yadlin (c) 2620-35

SECURITIES REGULATION

See Pleading and Procedure.

SEGREGATION

See Education.

SENTENCING

Offense: Interpreting the Indictment Requirement in 21 U.S.C. § 851, The — Christopher Serkin (n) 827-46

SOCIAL WELFARE

Saying No to Stakeholding — Jeffrey S. Lehman & Deborah C. Malamud (r)1482-503

SOCIOLOGY

- See also Contracts.
- On the Nature of Norms: Biology, Morality, and the Disruption of Order Owen D. Jones (r) 2072-103
- Tyranny of Money, The Edward J. Mc-Caffery (r) 2126-53

STATES' RIGHTS

See Jurisdiction.

STATUTES

See Sentencing.

SUPREME COURT

Choosing Justices: A Political Appointments Process and the Wages of Judicial Supremacy — John C. Yoo (r) 1436-67

TAXATION

See Sociology.

TORTS

See Biography, Damages, International Organizations, Jurisprudence, Reliance.

UNJUST ENRICHMENT

See Reliance.

WOMEN

- See also Husband and Wife.
- Because We Love You Rosemary B. Quigley (b) 1822-36

ARTICLES

| Antitrust Beyond Competition: Market Failures, Total Welfare, and the Challenge of Intramarket Second-Best Tradeoffs— Peter J. Hammer Building Community in the Twenty-First | Enforcing Contracts in Dysfunctional Legal Systems: The Close Relationship Be- tween Public and Private Orders: A Re- ply to McMillan and Woodruff — Ariel Porat (correspondence) 2459-80 |
|--|---|
| the American Metropolis — Sheryll D. Cashin (book review) 1704-24 | Exit and Voice in the Age of Globalization — Eyal Benvenisti 167-213 Exploring the Battle of the Forms in Action |
| Cardozo the [Small r] realist — Richard D. Friedman (book review) 1738-65 | Daniel Keating 2678-715 Foreword: The Question of Process — J. |
| Case for Cooperative Territoriality in International Bankruptcy, The — Lynn M. | Harvie Wilkinson III (introduc- tion) 1387-98 |
| LoPucki 2216-51 Caste, Class, and Equal Citizenship — Wil- | Global Solution to Multinational Default, A — Jay Lawrence Westbrook 2276-328 |
| liam E. Forbath 1-91 Casting Light on Cultural Property — John | Governmental Illegitimacy and Neocolonial- ism: Response to Review by James Thuo |
| J. Costonis (book review) 1837-62 | Gathii - Brad R. Roth (correspond- |
| Choosing Justices: A Political Appoint- ments Process and the Wages of Judicial | ence) 2056-65 Healing the Blind Goddess: Race and Crim- |
| Supremacy — John C. Yoo (book review) 1436-67 | inal Justice — Mark D. Rosenbaum & Daniel P. Tokaji (book review) 1941-73 |
| Clear Consensus, Ambiguous Commitment | History Unbecoming, Becoming History — |
| - Christopher H. Schroeder (book review) 1876-915 | Toni M. Massaro (book review) 1564-89 Importance of Being Biased, The — |
| Climbing the Walls of Your Electronic Cage — Steven Hetcher (book review) 1916-40 | Anthony M. Dillof (book review)1678-703 Influence of Race in School Finance Re- |
| Commercial Norms and the Fine Art of the | form, The — James E. Ryan 432-81 |
| Small Con: Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action' — Douglas G. Baird (corres- | Informality as a Bilateral Assurance Mecha- nism: Comments on Ronald Mann's 'The Role of Letters of Credit in Payment |
| pondence) 2716-26 Decisionmaking About General Damages: | Transactions' — Avery Wiener Katz (correspondence) 2554-73 |
| A Comparison of Jurors, Judges, and Law- yers — Roselle L. Wissler, Allen J. Hart & Michael J. Saks | International Bankruptcy: In Defense of Universalism — Andrew T. Guzman 2177-215 |
| Democracy, Science, and Free Trade: Risk Regulation on Trial at the World Trade | Is the Clean Air Act Unconstitutional? — Cass R. Sunstein 303-94 |
| Organization — Robert Howse 2329-57 Dissent, Free Speech, and the Continuing | Law and Regret — Eric A. Posner (book review) 1468-81 |
| Search for the "Central Meaning" of the | Lawyers, Law, and Contract Formation: |
| First Amendment — Ronald J. Krotoszyn- ski, Jr. (book review) 1613-77 | Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action' — Rob- |
| Distributive Foundation of Corrective Jus- tice, The — Hanoch Dagan 138-66 | ert K. Rasmussen (correspondence) 2748-59 |
| Efficient Norm for Corporate Law: A Neo- traditional Interpretation of Fiduciary | Letters of Credit as Signals: Comments on Ronald Mann's 'The Role of Letters of |
| Duty, The — Thomas A. Smith 214-68 | Credit in Payment Transactions' — Clay- |
| Empirical Insight and Some Thoughts on Future(s) Investigation: Comments on Mark West's 'Private Ordering at the | ton P. Gillette (correspondence) 2537-47 Life on Campus Really Ain't So Bad — Av- ern Cohn (book review) 1549-63 |
| World's First Futures Exchange' — A.W. | Limits of Empiricism: What Facts Tell Us: |
| Brian Simpson (correspondence) 2616-19 | Comments on Daniel Keating's 'Exploring |
| Ending Male Privilege: Beyond the Reasonable Woman — Stephanie M. Wildman | the Battle of the Forms in Action,' The — |
| (book review) 1797-821 | Dennis Patterson (correspondence) 2738-47 |

| review) 1766-96 | ments: Comments on Misse and Rom |
|---|---|
| review) 1766-96 Losing Faith: America Without Judicial Re- | ments: Comments on Miwa and Ram- |
| | seyer's 'Rethinking Relationship-Specific |
| view? — Erwin Chemerinsky (book | Investments' — Scott E. Masten |
| review) 1416-35 | (correspondence) 2668-77 |
| Miranda's Fall? - Kenji Yoshino (book | Reconciling the Old Theory and the New |
| review) 1399-415 | Evidence: Comments on Ronald Mann's |
| Neoliberalism, Colonialism and Interna- | 'The Role of Letters of Credit in Payment |
| tional Governance: Decentering the In- | Transactions' - Jacob I. Corré |
| ternational Law of Governmental Legiti- | (correspondence) 2548-53 |
| macy - James Thuo Gathii (book | Recovering the Original Fourth Amendment |
| review) 1996-2055 | - Thomas Y. Davies 547-750 |
| On the Nature of Norms: Biology, Morality, | Rejoinder: Twailing International Law — |
| and the Disruption of Order — Owen D. | James Thuo Gathii (correspondence) |
| Jones (book review) 2072-103 | 2066-71 |
| On the Use of Practitioner Surveys in Com- | Resolving Transnational Insolvencies |
| mercial Law Research: Comments on | Through Private Ordering — Robert K. |
| Daniel Keating's 'Exploring the Battle of | Rasmussen 2252-75 |
| the Forms in Action' - Avery Wiener | Rethinking Relationship-Specific Invest- |
| Katz (correspondence) 2760-72 | ments: Subcontracting in the Japanese |
| Perils of Courtroom Stories, The - Stephan | Automobile Industry — Yoshiro Miwa & |
| Landsman (book review) 2154-76 | J. Mark Ramseyer 2636-67 |
| Phoebe's Lament — James J. White | Role of Letters of Credit in Payment Trans- |
| (essay) 2773-79 | actions, The — Ronald J. Mann 2494-536 |
| Postmodern Infiltration of Legal Scholar- | Saying No to Stakeholding — Jeffrey S. Leh- |
| ship, The — Arthur Austin (book | man & Deborah C. Malamud (book |
| review) 1504-28 | review) 1482-503 |
| Price of Law: How the Market for Lawyers | Sound of One Form Battling: Comments on |
| Distorts the Justice System, The — Gillian | Daniel Keating's 'Exploring the Battle of |
| K. Hadfield 953-1006 | the Forms in Action,' The - Richard |
| Private Order and Public Institutions: Com- | Craswell (correspondence) 2727-37 |
| ments on McMillan and Woodruff's 'Pri- | State Immunity Waivers for Suits by the |
| vate Order Under Dysfunctional Public | United States - Evan H. Caminker |
| Order' - Ellen D. Katz (correspond- | 92-137 |
| ence) 2481-93 | Treaty-Making and the Nation: The Histori- |
| Private Ordering at the World's First Fu- | cal Foundations of the Nationalist Con- |
| tures Exchange - Mark D. West2574-615 | ception of the Treaty Power - David M. |
| Private Order Under Dysfunctional Public | Golove 1075-319 |
| Order - John McMillan & Christopher | Tyranny of Money, The - Edward J. Mc- |
| Woodruff 2421-58 | Caffery (book review) 2126-53 |
| Promise and Perils of Strategic Publication | Universal Grammar of Criminal Law, The |
| to Create Prior Art: A Response to Pro- | - Stuart P. Green (book review) 2104-25 |
| fessor Parchomovsky, The - Rebecca S. | Upbeat View of English Justice in the Four- |
| Eisenberg (correspondence) 2358-70 | teenth Century, An - Charles Donahue, |
| Public Choice Approach to Private Order- | Jr. (book review) 1725-37 |
| ing: Rent-Seeking at the World's First Fu- | Word Games, War Games - Diane H. |
| tures Exchange: Comments on Mark | Mazur (book review) 1590-612 |
| West's 'Private Ordering at the World's | Who "Owns" a Cultural Treasure? - Jason |
| First Futures Exchange, A - Omri Yad- | Y. Hall (book review) 1863-75 |
| lin (correspondence) 2620-35 | Zoning Speech on the Internet: A Legal and |
| Publish or Perish - Gideon Par- | Technical Model - Lawrence Lessig & |
| chomovsky 926-52 | Paul Resnick 395-431 |
| | |

NOTES

| Citizen Suits Under the Resource Conserva- tion and Recovery Act: Plotting Absten- tion on a Map of Federalism — Charlotte | Pleading Under Section 11 of the Securities Act of 1933 — Krista L. Turnquist 2395-417 |
|---|--|
| Gibson 269-99 | "Ready? Induce. Sting!": Arguing for the |
| Copyright Misuse and Modified Copyleft: | Government's Burden of Proving Readi- |
| New Solutions to the Challenges of | ness in Entrapment Cases - David D. |
| Internet Standardization - Chip | Tawil 2371-94 |
| Patterson 1351-83 | Sentencing Equality for Deportable Aliens: |
| Judicial Abuse of "Process": Examining the Applicability of Section 2F1.1(b)(4)(B) of the Federal Sentencing Guidelines to | Departures from the Sentencing Guide- lines on the Basis of Alienage — Jason Bent 1320-50 |
| Bankruptcy Fraud — Hideaki Sano 1038-71 | Staking Out the Border Between Comman- deering and Conditional Preemption: Is |
| Judicial Review & the Policy of Federal Ab- stention: A Juvenile's Right to Ensure the Existence of a "Substantial Federal Inter- | the Driver's Privacy Protection Act Con- stitutional Under the Tenth Amendment? — Rachel F. Preiser 514-44 |
| est" — Matthew Drexler 1007-37 | Winning the Battle, Losing the War?: Judi- |
| Offense: Interpreting the Indictment Re- | cial Scrutiny of Prisoners' Statutory |

AUTHORS

AUSTIN, ARTHUR - The Postmodern Infiltration of Legal Scholarship (book 1504-28 review) BAIRD, DOUGLAS G. - Commercial Norms and the Fine Art of the Small Con: Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action (correspondence) 2716-26 BENVENISTI, EYAL - Exit and Voice in the Age of Globalization 167-213 CAHN, NAOMI - Looking at Marriage (book review) 1766-96 CAMINKER, EVAN H. - State Immunity Waivers for Suits by the United States CASHIN, SHERYLL D. - Building Community in the Twenty-First Century: A Post-Integrationist Vision for the American 1704-24 Metropolis (book review) CHEMERINSKY, ERWIN -Losing Faith: America Without Judicial Review? (book 1416-35 COHN, AVERN - Life on Campus Really Ain't So Bad (book review) 1549-63 CORRE, JACOB I. - Reconciling the Old Theory and the New Evidence: Comments on Ronald Mann's 'The Role of Letters of Credit in Payment Transactions 2548-53 (correspondence) COSTONIS, JOHN J. - Casting Light on Cultural Property (book review) 1837-62 CRASWELL, RICHARD — The Sound of One Form Battling: Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action' (correspondence) 2727-37 DAGAN, HANOCH - The Distributive Foundation of Corrective Justice 138-66 DAVIES, THOMAS Y. - Recovering the Original Fourth Amendment 547-750 DILLOF, ANTHONY M. - The Importance of Being Biased (book review) 1678-703 DONAHUE, CHARLES, JR. - An Upbeat View of English Justice in the Fourteenth Century (book review) 1725-37 EISENBERG, REBECCA S. - The Promise and Perils of Strategic Publication to Create Prior Art: A Response to Professor Parchomovsky (correspondence) 2358-70 FORBATH, WILLIAM E. - Caste, Class, and Equal Citizenship FRIEDMAN, RICHARD D. - Cardozo the [Small r] realist (book review) 1738-65 GATHII, JAMES THUO - Neoliberalism, Colonialism and International Governance: Decentering the International Law

of Governmental Legitimacy (book review) 1996-2055 GATHII, JAMES THUO - Rejoinder: Twailing International Law (correspondence) 2066-71 GILLETTE, CLAYTON P. - Letters of Credit as Signals: Comments on Ronald Mann's 'The Role of Letters of Credit in Payment Transactions' (correspondence) GOLOVE, DAVID M. - Treaty-Making and the Nation: The Historical Foundations of the Nationalist Conception of the Treaty Power GREEN, STUART P. - The Universal Grammar of Criminal Law (book review) 2104-GUZMAN, ANDREW T. - International Bankruptcy: In Defense of Univer-2177-215 HADFIELD, GILLIAN K. - The Price of Law: How the Market for Lawyers Distorts the Justice System HALL, JASON Y. - Who "Owns" a Cultural Treasure? (book review) 1863-75 HAMMER, PETER J. - Antitrust Beyond Competition: Market Failures, Total Welfare, and the Challenge of Intramarket Second-Best Tradeoffs HART, ALLEN J., ROSELLE L. WISSLER & MICHAEL J. SAKS — Decisionmaking About General Damages: A Comparison of Jurors, Judges, and Lawyers HETCHER, STEVEN - Climbing the Walls of Your Electronic Cage (book review) 1916-40 Howse, Robert - Democracy, Science, and Free Trade: Risk Regulation on Trial at the World Trade Organization 2329-57 JONES, OWEN D. - On the Nature of Norms: Biology, Morality, and the Disruption of Order (book review) 2072-103 KATZ, AVERY WIENER - Informality as a Bilateral Assurance Mechanism: Comments on Ronald Mann's 'The Role of Letters of Credit in Payment Transactions' (correspondence) KATZ, AVERY WIENER - On the Use of Practitioner Surveys in Commercial Law Research: Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action' (correspondence) KATZ, ELLEN D. - Private Order and Public Institutions: Comments on McMillan

and Woodruff's 'Private Order Under

2481-93

Dysfunctional Public Order'

pondence)

KEATING, DANIEL — Exploring the Battle of the Forms in Action 2678-715

KROTOSZYNSKI, RONALD J., JR. — Dissent, Free Speech, and the Continuing Search for the "Central Meaning" of the First Amendment (book review) 1613-77

LANDSMAN, STEPHAN — The Perils of Courtroom Stories (book review) 2154-76

LEHMAN, JEFFREY S. & DEBORAH C. MALAMUD — Saying No to Stakeholding (book review) 1482-503

Lessig, Lawrence & Paul Resnick — Zoning Speech on the Internet: A Legal and Technical Model 395-431

LOPUCKI, LYNN M. — The Case for Cooperative Territoriality in International Bankruptcy 2216-51

MALAMUD, DEBORAH C. & JEFFREY S. LEH-MAN — Saying No to Stakeholding (book review) 1482-503

 MANN, RONALD J. — The Role of Letters of Credit in Payment Transactions 2494-536
 MASSARO, TONI M. — History Unbecoming,

Becoming History (book review) 1564-89
MASTEN, SCOTT E. — Reaffirming Relationship-Specific Investments: Comments on
Miwa and Ramseyer's 'Rethinking Relationship-Specific Investments' (correspondence) 2668-77

MAZUR, DIANE H. — Word Games, War Games (book review) 1590-612 McCaffery, Edward J. — The Tyranny of

Money (book review) 2126-53
McMillan, John & Christopher WoodRUFF — Private Order Under Dysfunctional Public Order 2421-58

MIWA, YOSHIRO & J. MARK RAMSEYER —
Rethinking Relationship-Specific Investments: Subcontracting in the Japanese
Automobile Industry 2636-67

PARCHOMOVSKY, GIDEON — Publish or Perish 926-52

PATTERSON, DENNIS — The Limits of Empiricism: What Facts Tell Us: Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action' (correspondence) 2738-47

PORAT, ARIEL — Enforcing Contracts in Dysfunctional Legal Systems: The Close Relationship Between Public and Private Orders: A Reply to McMillan and Woodruff (correspondence) 2459-80

ruff (correspondence) 2459-80
POSNER, ERIC A. — Law and Regret (book review) 1468-81

RAMSEYER, J. MARK & YOSHIRO MIWA— Rethinking Relationship-Specific Investments: Subcontracting in the Japanese Automobile Industry 2636-67

RASMUSSEN, ROBERT K. — Lawyers, Law, and Contract Formation: Comments on Daniel Keating's 'Exploring the Battle of the Forms in Action' (correspondence) 2748-59

RASMUSSEN, ROBERT K. — Resolving Transnational Insolvencies Through Private Ordering 2252-75

RESNICK, PAUL & LAWRENCE LESSIG — Zoning Speech on the Internet: A Legal and Technical Model 395-431

ROSENBAUM, MARK D. & DANIEL P. TOKAJI — Healing the Blind Goddess: Race and Criminal Justice (book review) 1941-73

ROTH, BRAD R. — Governmental Illegitimacy and Neocolonialism: Response to Review by James Thuo Gathii (correspondence) 2056-65

Ryan, James E. — The Influence of Race in School Finance Reform 432-81

SAKS, MICHAEL J., ROSELLE L. WISSLER & ALLEN J. HART — Decisionmaking About General Damages: A Comparison of Jurors, Judges, and Lawyers 751-826

SCHROEDER, CHRISTOPHER H. — Clear Consensus, Ambiguous Commitment (book review) 1876-915

SIMPSON, A.W. BRIAN — Empirical Insight and Some Thoughts on Future(s) Investigation: Comments on Mark West's 'Private Ordering at the World's First Futures Exchange' (correspondence) 2016 19

Exchange' (correspondence) 2616-19
SMITH, THOMAS A. — The Efficient Norm
for Corporate Law: A Neotraditional Interpretation of Fiduciary Duty 214-68

terpretation of Fiduciary Duty 214-68 SUNSTEIN, CASS R. — Is the Clean Air Act Unconstitutional? 303-94

TOKAJI, DANIEL P. & MARK D. ROSEN-BAUM — Healing the Blind Goddess: Race and Criminal Justice (book review) 1941-73

West, Mark D. — Private Ordering at the World's First Futures Exchange 2574-615 Westbrook, Jay Lawrence — A Global Solution to Multinational Default 2276-328

WHITE, JAMES J. — Phoebe's Lament (essay) 2773-79

WILDMAN, STEPHANIE M. — Ending Male Privilege: Beyond the Reasonable Woman (book review) 1797-821

WILKINSON, J. HARVIE, III — Foreword: The Question of Process (introduction) 1387-98

WISSLER, ROSELLE L., ALLEN J. HART & MICHAEL J. SAKS — Decisionmaking About General Damages: A Comparison of Jurors, Judges, and Lawyers 751-826

WOODRUFF, CHRISTOPHER & JOHN McMIL-LAN — Private Order Under Dysfunctional Public Order 2421-58

YADLIN, OMRI — A Public Choice Approach to Private Ordering: Rent-Seeking

at the World's First Futures Exchange: Comments on Mark West's 'Private Ordering at the World's First Futures Exchange' (correspondence) 2620-35 YOO, JOHN C. — Choosing Justices: A Political Appointments Process and the Wages

of Judicial Supremacy (book review) 1436-67 Yoshino, Kenл — Miranda's Fall?(book review) 1399-415